

NOV 18 2005

FAX TRANSMISSION**DATE:** November 18, 2005**PTO IDENTIFIER:** Application Number 10/608592-Conf. #8406

Patent Number

Inventor: Tadashi TSUNODA**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** LAHIVE & COCKFIELD, LLP

Anthony A. Laurentano

PHONE: (617) 227-7400**Attorney Dkt. #:** TOW-027**PAGES (Including Cover Sheet):** 4**CONTENTS:** Response to Restriction Requirement (without Traverse) (2 pages)
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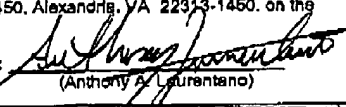
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LAHIVE & COCKFIELD, LLP
28 State Street, Boston, Massachusetts 02109
Telephone: (617) 227-7400 Facsimile: (617) 742-4214

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Dated: November 18, 2005 Signature: 

(Anthony A. Laurentano)

Docket No.: TOW-027
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Tadashi Tsunoda

Application No.: 10/608592

Confirmation No.: 8406

Filed: June 27, 2003

Art Unit: 1745

For: FUEL CELL AND FUEL CELL STACK

Examiner: T. H. Parsons

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed October 19, 2005 (Paper No. 20051013).

The Examiner has required restriction between the following species of the claimed invention in the above-identified application:

- a. Claims 1-10 directed to a fuel cell comprising a pair of separators each including at least two plates, fuel and oxygen gas channel between the two plates, Electrolyte electrode assemblies arranged along a virtual circle concentric with a central axis of the separators;
- b. Claims 11-12 directed to a fuel cell stack formed by stacking a plurality of fuel cells between two end plates, each fuel cell including a pair of disk-shaped separators and a plurality of disk-shaped electrolyte electrode assemblies along a virtual circle concentric with a central axis of the separators, end plates having holes for tightening bolts, and the holes and the electrolyte electrode assemblies being arranged alternately;
- c. Claims 13-17 directed to a fuel cell comprising a pair of separators each including a plurality of plates stacked together, fuel and oxygen gas channels

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between the two plates, electrolyte electrode assemblies between the separators, and at least one of the separator plates having protrusions for positioning the electrolyte electrode assemblies between the separators; and

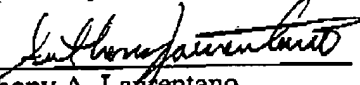
- d. Claims 18-20 directed to a fuel cell stack formed by stacking a plurality of fuel cells between end plates, disk-shaped separators and a plurality of circular disk-shaped electrolyte electrode assemblies disposed along a concentric circle, each separator having protrusions and each end plates having holes for tightening bolts, the holes and the electrolyte electrode assemblies being arranged alternately.

Accordingly, Applicant hereby elects Group C, Claims 13-17 for continued examination. Applicant respectfully notes that all of these claims are readable on the elected species.

If further issues persist, or the Examiner has any questions regarding this communication, please call Applicants' representative at the number set forth below.

Dated: November 18, 2005

Respectfully submitted,

By 
Anthony A. Laurentano
Registration No.: 38,220
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant

PTO/SB/07 (09-04)

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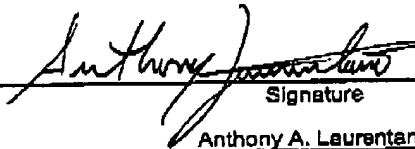
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Attorney Docket No.: TOW-027

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